

FARMINGTON CITY COUNCIL MEETING

August 7, 2012

WORK SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, Jim Talbot, and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, Associate Planner Christy Alexander, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey

Request for a Zone Text Amendment to allow small neighborhood Truck and Trailer Rental Dealers as a conditional use in the BR Zone

The **Mayor** said the Council needs to decide whether or not to allow this type of use in the downtown area and pointed out that the use is currently allowed in other areas of the City. There was discussion regarding the look and feel of the Historic District and other alternatives for this type of business. **Dave Millheim** said there may be other uses currently listed in the Zoning Ordinance that would no longer be appropriate for the Historic District which can be addressed at a later date.

Final Plat/Development Agreement/Right of Way Vacation for the Meadow View Conservation Subdivision

David Petersen reported that there are several issues which need to be addressed: (1) a right-of-way vacation; (2) secondary water shares document; (3) a final development agreement; and (4) a conservation easement on the preserved open space parcels.

Summary Action List

The **Mayor** said Item #6 was pulled from the agenda. **Dave Millheim** read an email from Symphony Homes concerning Item #7 which stated that they were very disappointed that this item was pulled from the agenda at the last minute. Staff did not talk to the developer before they made the decision to pull it. **Jim Young** recommended leaving it on the agenda and allowing staff to handle the final details. Other Council Members agreed and said it should be voted on separately.

MOU for Fire Dept.

The **Mayor** said the Fire Department is requesting approval for a Memorandum of Understanding (MOU) between the Utah Division of Forestry, Fire, and State Lands which will allow the Department to receive monetary compensation for apparatus, equipment and personnel which are utilized on State and Federal lands.

1500 Gallon Water Tender Truck

Mayor Harbertson pointed out that the City's tender truck was a huge asset during the fire season, and **Chief Smith** believes a second truck would be equally valuable. He is requesting approval of a \$30,000 cost which would be taken from the fund balance.

SAFER Grant

Chief **Guido Smith** said the Fire Department is not ready to apply for a SAFER (Adequate Fire & Emergency Response) Grant this year, and he recommended that the City apply for the Grant in late 2013 which would allow time for his staff to reach various certification levels. The Grant would offer 100% funding for a 24-month period, after which the City would be responsible for the funding of five additional full-time firemen. **Dave Millheim** said these types of grants are meant to be transitional grants which allow a city to increase staffing. **Cory Ritz** said that depending on the outcome of the presidential election, there may be cuts to government funded grants. **Jim Talbot** expressed concern regarding the substantial commitment of hiring additional staff members.

REGULAR SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, Jim Talbot, and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, Associate Planner Christy Alexander, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Youth City Council Members Emily Madsen and Abby Mattinson were also in attendance.

CALL TO ORDER

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

Mayor Harbertson welcomed those in attendance, **Jim Young** offered the invocation, and the Pledge of Allegiance was led by **Cory Ritz**.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS

Executive Summary for Planning Commission Meeting held July 26, 2012

The summary was included in staff report, and there were no questions from the Council.

Presentation by Heather Barnum on Residents Perception Survey regarding Public Safety

Heather Barnum is a Farmington resident and a market researcher, and her husband is a fireman and paramedic in the City. Four years ago her placenta tore, and they called 911. The ambulance responded in an adequate manner, but one EMT suffered a heart attack while carrying the stretcher up the steps so a second ambulance was called. Her husband provided care for her while the other workers cared for the EMT, but she received a \$500 bill from the Fire Department. The EMT was not physically fit for duty and resigned after he failed the basic EMT certification three times. She was frustrated by the City's inadequate emergency services, and she wanted to receive feedback from residents regarding emergency care. She and a neighbor, **Christy Powell**, set up and conducted a survey (July 5-31, 2012) which included the following nine questions:

1. Do you expect coverage at the Fire Station 24-7?
2. Do you expect the firemen to be state certified?
3. Should personnel be required to pass an annual physical fitness test?
4. Should uniforms be worn?
5. Should personnel be clean shaven for health and safety reasons?

6. If Farmington City cannot provide 24-hour staffing, should staff from other cities be hired?
7. Should females be excluded from employment in the Fire Department?
8. Do you want a fire station in West Farmington?
9. Do you want the Fire Department to inspect commercial buildings?

They received 390 responses, and the results showed that there is overwhelming support for improved emergency services in the City. There were no comments and/or questions about the cost of the services. **Nelsen Michaelson** thanked **Ms. Barnum** for her efforts.

PUBLIC HEARING

Request for a Zone Text Amendment to allow small neighborhood Truck and Trailer Rental Dealers as a conditional use in the BR Zone

Christy Alexander explained that when the applicant applied for a business license for a U-haul Rental Dealership, he was told that it was not listed as a use in the BR zone, and a zone text amendment would be necessary. The Planning Commission held a public hearing in which there were no public comments and recommended approval of the Amendment. Staff does not feel this is a suitable use in the Historic District.

Craig Holmes currently owns a windshield repair business on 97 North Main Street, and he would like to include a U-Haul dealership. The impact would be minimal because most of the equipment would be parked behind his building or in the garage. One truck and one trailer would be parked in the front, and there would be no parking on Main Street or 100 North.

Public Hearing:

Mayor Harbertson opened the Public Hearing at 7:25 p.m.

Cliff Lackman, area field manager for U-haul, said the company has complete control of how much equipment can be handled at a specific site, and if there are too many vehicles, they can be directed elsewhere.

Mack McDonald, 856 N. Spring Pond Drive, is a member of the Planning Commission and voted against this amendment because he wants to protect Main Street. He urged the City to clearly define uses which will contribute to the historic fiber of downtown.

Alyssa Revel, Historic Preservation Commission Chair, said it is important for a City to enforce its zoning codes. She pointed out that other U-haul locations along the Wasatch Front are typically located in commercial or light industrial zones with long frontages and areas where sound, safety, and visual incongruity are not problematic. She has nothing against the U-haul company, but this type of business does not fit in this location.

Michael Brown, 2018 North Kingston Road, said that one of the things that attracted him to Farmington was Main Street. Because this is an extension to an existing business, the U-haul business is not intrusive because there are similar businesses in the area—including an auto repair shop directly across the street. He pointed out that there is an historic home in north Farmington that is falling apart because of the lack of funds to restore it.

The *Public Hearing* was closed at 7:45 p.m.

The **Mayor** pointed out that if this amendment was approved, the City could not stop another truck rental business from opening in the same area; he would prefer to have the U-haul business elsewhere in the City. **Nelsen Michaelson** said the intent of the BR zone is for office-type space and other uses which fit with the residential area. **Cory Ritz** believes this use would erode the historic nature of downtown. **John Bilton** asked about other Planning Commission members' opinions, and **Mack McDonald** said several had a difficult time with the City's current definition of "historic" and the lack of clear guidelines. **Jim Young** said the intent of the historic designation is clear.

Motion:

Jim Young made a motion not to approve an amendment to the Zoning Ordinance allowing small neighborhood truck and trailer rental dealers as a conditional use in the BR zone and directed staff to review any other conditional uses in the Ordinance which may need revision and possibly establish a differential within Chapter 15 between the BR zone and the OTR/BR zone. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

PRESENTATION OF PETITIONS AND REQUESTS

Final Plat/Development Agreement/Right of Way Vacation for the Meadow View Conservation Subdivision

David Petersen said the developer will be required to install curb and gutter on both sides of the street, and he has asked the City to pay for its share of the system improvements on 1525 West. **Dave Millheim** asked who owns the existing right-of-way on 1525 West and was informed that the City owns it in fee title. **Jared Darger**, 15757 South Pack Saddle Drive, Bluffdale, pointed out that 1525 West is a City-owned street. Following a brief discussion, the Council decided that no changes should be made.

Motion:

Cory Ritz made a motion to approve the Final Plat for the Meadow View Conservation Subdivision (19 lots) located at approximately 1525 West and Spring Meadow Drive, subject to the conditions and findings as set forth in the Planning Commission Staff Report, to approve the Development Agreement, and to approve the attached Ordinance vacating a portion of 1525 West as a public right-of-way. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

SUMMARY ACTION

Minute Motion Approving Summary Action List

The **Mayor** reported that Item #6 was removed from the Agenda to allow additional time to set the formula for the amount of open space, and the Council will vote on Item #7 separately.

1. Approval of Minutes from the July 17, 2012 City Council Meeting

2. Memorandum of Understanding (MOU) between the Utah Division of Forestry, Fire, and State Lands and Farmington City Fire Department
3. Proposed Members for the Building Board of Appeals
4. Development Agreement Matrix Update 4
5. Interlocal Cooperation Agreement between Davis County and Davis County Cities relating to the Davis County Council of Governments
6. Final Plat & Waiver of Open Space for the Spring Creek Estates Phase 7 Subdivision
7. Final Plat & Final PUD Master Plan for the Chestnut Farms PUD Phase 2 Subdivision

Motion:

Nelsen Michaelson made a motion to approve the first five items on the Summary Action List. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

Motion:

Jim Talbot made a motion to approve Item 7—the Final Plat and Final PUD Master Plan for the Chestnut Farms PUD Phase 2 Subdivision—based on staff’s recommendations that the elevations and landscaping remain consistent with the existing development. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

NEW BUSINESS

1500-Gallon Water Tender Truck

Motion:

Nelsen Michaelson made a motion to approve funding for a 1500-gallon Water Tender Truck acquired through the Federal Excess Property Program (FEPP). The \$30,000 fee for a new 1500-gallon tank, pump unit and installation with warranty will be an off-cycle budget amendment to the fund balance of the general fund. The motion was seconded by **Jim Young** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

Farmington City Fireworks Restriction Proposals – Options 1-3

Guido Smith said the Fire Department’s preferred option is #1. **John Bilton** said he visited several areas in Farmington to get a better perspective, and he said the Fire Department’s efforts this summer were well received. He is in favor of moving the line to Main Street and 200 East. The change would be in effect for Chinese New Year (January 2013) and July 1-7 and July 20-27, 2013.

Motion:

John Bilton made a motion to approve Option #1 as detailed in the staff report. The motion was seconded by **Jim Young** and approved by Council Members **Bilton** and **Young**. It was not approved by Council Members **Michaelson, Ritz, Talbot**; therefore, the line will remain where it

was determined in the spring of 2012. **Dave Millheim** suggested it be brought back to the City Council at the first City Council meeting in April 2013 as conditions warrant.

GOVERNING BODY REPORTS

City Manager – Dave Millheim

- The new interface fire engine is almost ready, and **Chief Smith** will fly to Minnesota next week to make sure it meets all of the criteria, and it will be delivered in several weeks.

Mayor – Scott Harbertson

- The annual Utah League of Cities and Towns Convention will be held September 11-14 in Salt Lake City. He asked Council Members to inform **Holly Gadd** if they plan to attend.
- He thanked **John Bilton**, **Cory Ritz** and **Jim Talbot** for attending various (Development Committee) meetings to offer inputs for future development in the City.
- He toured the Park Lane Village apartments last week and reported that 93 units are complete (90% are leased). 93 more units will be completed within 4-6 weeks. The rental rates range from \$900-\$1300; internet/cable is \$100/month, and carports/garages are \$75-\$100/month. They are concerned regarding safety on the passage from Park Lane to the Front Runner/Station Park and have asked for the City's assistance.

City Council

John Bilton

- He and **Cory Ritz** met with a developer to review a plan for property located on west State Street. Concerns include high density and additional traffic.
- He attended a SPARC meeting related to Park Lane Village with The Haws Companies' architect and landscape planner. They are planning a commercial development on a 3-acre parcel south of the Red Barn.

Jim Talbot

- There is property owner on Walker Lane behind the Oakridge Golf Course who works on cars in his front yard. **Dave Millheim** said they have towed vehicles from this home in the past, and he will address the situation once again.

Nelsen Michaelson

- He and **John Bilton** attended several meetings to study electronic message signs, and progress is being made. They are addressing the ability to control the technology related to flashing/light output, and sign company representatives have been very cooperative.

CLOSED SESSION

Motion:

At 8:50 p.m. a motion was made by **Cory Ritz** for the Council to go into a closed meeting to discuss property acquisition. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

Sworn Statement

I, **Scott C. Harbertson**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.



Scott C. Harbertson, Mayor


Motion:

At 8:55 p.m. a motion to reconvene into an open meeting was made by **John Bilton**, seconded by **Nelsen Michaelson**, and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

ADJOURNMENT

Motion:

John Bilton made a motion to adjourn the meeting. The motion was seconded by **Jim Young** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**. The meeting was adjourned at 8:55 p.m.



Holly Gadd, City Recorder
Farmington City Corporation